

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**DEMARCUS WILSON AND
DONESHA WILSON,**

Plaintiff,

v.

**MEDICAL RIDE
TRANSPORTATION, LLC AND
JEFFIE LADAWN SAMS**

Defendants.

Civil Action No. 3:22-CV-1589

DEFENDANT’S NOTICE OF REMOVAL OF CIVIL ACTION

Now comes Defendant Medical Ride Transportation, LLC and hereby removes this action from the County Court at Law No. 5 of Dallas County, Texas, to the United States District Court for the Northern District of Texas, Dallas Division pursuant to 28 U.S.C. § 1332(a)(1) on the following grounds:

I.

Introduction and Statement of the Case

1. Plaintiffs are Demarcus Wilson and Donesha Wilson. Named defendants are Medical Ride Transportation, LLC and Jeffie Ladawn Sams. Jeffie Ladawn Sams has not yet been served in the County Court at Law claim.

2. Plaintiffs make claims for general negligence, negligence per se, and a respondeat superior arising from a motor vehicle accident that occurred in Dallas County, Texas. Jeffie Ladawn Sams

is alleged to have been driving a vehicle on behalf of Medical Ride Transportation, LLC. The accident allegedly involved Plaintiffs, Defendants, and other motorists.

3. Plaintiffs' Original Petition, filed in Dallas County Court at Law No. 5, seeks damages including reasonable and necessary health care expenses incurred in the past and those which will reasonably be incurred in the future, and for physical pain, mental anguish, physical impairment, lost earning capacity, all in the past and future. Plaintiffs also seek recovery of property damages.

II. Procedural Requirements

4. A notice of removal must be filed within 30 days after receipt by the defendant of the initial pleading setting forth the claim for relief upon which the action is based. 28 U.S.C. §1446(b). The thirty (30) day period for removal does not begin to run until the defendant has received a copy of the complaint and has been properly served. *Murphy Brothers, Inc. and Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 347-348 (1999).

5. Plaintiff's Original Petition was filed on June 17, 2022, and Defendant Medical Ride Transportation, LLC was served on April 4, 2022. Therefore, this Notice of Removal is timely filed under 28 U.S.C. §1446(b).

6. As named Defendant Jeffie Ladawn Sams has not yet been served, there is a single defendant and therefore no consent is required from other parties. *See* 28 U.S.C. § 1446(b)(2)(A).

7. Copies of all pleadings, process, orders, and other filings in the county court suit are attached to this notice as required by 28 U.S.C. § 1446(a), but only include the Plaintiffs' Original Petition and the Citation served on Defendant Medical Ride Transportation, LLC.

8. Venue is proper in this district under 28 U.S.C. § 1441(a) because the state court where the suit has been pending is located in this district.

9. Defendant Medical Ride Transportation, LLC demanded a jury in the suit filed in the Dallas County Court at Law.

10. Defendant will promptly file a copy of this notice of removal with the clerk of the county court where the suit has been pending.

III.
Argument and Authority

A. Diversity Jurisdiction Under 28 U.S.C. §1332(a)(1)

11. The Court has jurisdiction over the lawsuit under 28 U.S.C. § 1332(a)(1) because Plaintiffs and Defendants are citizens of different U.S. states, and the amount in controversy exceeds \$75,000, excluding interest and costs.

12. As noted in Plaintiff's Original Petition, Plaintiffs each reside in McKinney, Texas. Defendant Medical Ride Transportation, LLC is registered, located, and has its principal place of business in Tulsa, Oklahoma. *See* 28 U.S.C. § 1332(c)(1). Further, named Defendant Jeffie Ladawn Sams allegedly resides in Tulsa, Oklahoma.

13. Accordingly, this Court has original jurisdiction pursuant to 28 U.S.C. §1332(a)(1).

WHEREFORE, having shown this case is properly removable on the basis of diversity jurisdiction, Defendant Medical Ride Transportation, LLC provides notice pursuant to 28 U.S.C. §1446 that the state court action pending in the County Court at Law No. 5 of Dallas County, Texas, Cause No. CC-22-03119-E, is removed to the United States District Court for the Northern District of Texas, Dallas Division, and respectfully requests that this Court exercise jurisdiction over this case.

STEWART WIEGAND & OWENS, PC

/s/ G. Michael Stewart

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**COUNSEL FOR DEFENDANT
MEDICAL RIDE TRANSPORTATION, LLC**

CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2022, a true and correct copy of the foregoing Notice of Removal was filed with the Court via ECF and served to all parties of record as follows:

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